

REMARKS

[0001] Claims 1-20 are pending in the case. In the Final Office Action, Claims 15-20 were rejected under 35 U.S.C. §102(e) in view of U.S. Patent No. 6,269,402 Lin et al (hereinafter Lin). Claims 1-14 were rejected under 35 U.S.C. §103(a) as unpatentable in view of Lin and U.S. Patent No. 6,877,036 to Smith et al., (hereinafter Smith).

AMENDMENTS

[0002] Applicants continue to traverse and maintain the arguments set forth in previous responses regarding the rejection of Claims 15-20 under 35 U.S.C. §102(e) in view of Lin and Claims 1-14 under 35 U.S.C. §103(a) as obvious in view of Lin in view of Smith. This application has a long prosecution history in which Applicants believe their actions to be cooperative with the Examiner. Applicants count five separate office actions over the course of more than five years including a telephone interview and a Request for Continued Examination. However at this stage in prosecution, Applicants would like to complete prosecution rather than engage in added delay and cost associated with the appeal process.

[0003] Therefore, based on the Examiner's response in the Final Office action, Applicants propose the enclosed amendments. Applicants submit that although amendments after a final rejection are not a matter of right and are subject to the discretion of the Examiner, these amendments should be entered because they are in line with the Examiner's responses in the Final Office Action, would bring a prompt resolution, and place the case in condition for allowance. *See MPEP §714.13(II).* Applicants propose amendments to Claims 1, 8, 13, and 15.

[0004] The Examiner addressed three of the arguments set forth by the Applicants in the response mailed February 14, 2006. Applicants argued that the present invention distinguishes paired messages from unpaired messages based on an analysis of the response message. The Examiner responded that this relationship is not clearly set forth in the independent Claims 1, 8 and 15. Applicants propose amendments to Claims 1, 8, and 15 to make this relationship more clear and explicit. In addition, for clarity, other limitations of the server element in the claims have been moved around, but no new matter was added. Now that Applicants and the Examiner are in agreement as to

elements in the Claims not present in the prior art, if the Examiner finds the Applicants proposed amendment language insufficient, Applicants request that the Examiner contact the Applicants Attorney by phone at the number in the signature block below so that suitable language can be discussed.

[0005] Applicants argued that Claims 1, 8, and 15 include limitations that the paired message / unpaired message management logic is maintained at the server such that the client does not require such logic. The Examiner responds that a client which does include such management logic can still anticipate the present invention. Applicants disagree because to do so would be duplicative of the same functionality. This duplicative logic increases the response time and uses computing resources that could be put to more efficient use. Therefore, the consolidation of the paired/unpaired message management logic at the server is a significant distinction over the prior art of record. The benefits of this limitation (i.e. lack of paired/unpaired message management logic on the client), namely a thin client, are set forth in more detail in Applicants last response.

[0006] Applicants argued that present invention includes a limitation, in certain embodiments, that the client can send a particular request to retrieve unpaired messages. The Examiner responded that such a limitation is not specifically claimed. Applicants disagree. The Examiner is respectfully directed to Claims 6, 7, 10, 13, 14, and 18. (Applicants propose that Claim 13 be amended as indicated for clarity.) Each of these claims recites certain aspects regarding a request for unpaired messages that originates from the client. As this element is not taught or disclosed in Lin or Smith, Applicants submit that these dependent claims are allowable for at least including this limitation.

CONCLUSION

[0007] Therefore, based on Examiner's response, Applicants submit that the previous arguments submitted indicated that Lin and Smith fail to teach or disclose all the elements of the independent claims and certain dependent claims. In addition, Examiner's response indicates that the remaining issues are related to clarifying language. Applicants propose the enclosed amendments to address the language concerns of the Examiner. Consequently, Applicants submit that Claim 1-20 are in condition for allowance.

[0008] In the event any questions remain, the Examiner is respectfully requested to initiate a telephone conference with the undersigned.

Respectfully submitted,

Date: July 13, 2006

/David J. McKenzie/

Kunzler & Associates
8 E. Broadway, Suite 600
Salt Lake City, Utah 84101
Telephone: 801/994-4646

David J. McKenzie
Reg. No. 46,919
Attorney for Applicant